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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,084	05/06/1999	PËRETZ MOSHES FEDER	5-5-1	3001

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HARNESS, DICKEY & PIERCE, P.L.C.  
P. O. BOX 8910  
RESTON, VA 20195

EXAMINER
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APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
2686	10

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/306,084

Applicant(s)

FEDER ET AL.

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 5, 8, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by **Flammer (5,465,398)**.

Regarding claim 1, Flammer discloses a method of transmitting over a wireless link, the method comprising: adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs (minimum signal strength) and one of ACKs lost and number of ACKs received for radio transmissions over the wireless link, the number of expected ACKs is N (see Figs. 1- 4, col. 3, line 12 to col. 4, line 53).

Regarding claim 2, Flammer teaches monitoring a number of ACS lost for radio packets by increasing and decreasing the transmit power level based on the smoothed difference being greater or less than the link margin respectively (see Figs. 1- 3).

Regarding claim 5, Flammer further teaches providing a wireless unit transmitting acknowledgments of radio packets transmitted by the wireless transmitter over the wireless link to the wireless unit (see col. 3, lines 35-58).

Regarding claim 8, Flammer discloses a method of transmitting over a wireless link (see Fig. 1), the method comprising: adjusting a transmit power of a wireless transmitter based on a predetermined threshold (minimum signal strength), the predetermined threshold being in relation to a number of ACKs lost/expected number of

ACKS for radio transmissions over the wireless link (feature of updating recorded minimum and calculating difference value based on each successfully received packet, col. 4, lines 16-66).

Regarding claims 9 and 10 Flammer discloses a method of transmitting over a wireless link, the method comprising: adjusting a transmit power of a wireless transmitter based on a number of ACKs expected for radio transmission over the wireless link, the ACKs expected based on at least one of frames and packets sent (see col. 4, lines 44-53) wherein the ACKs expected are based on at least one of voice of data (see col. 2, lines 31-48).

3. Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Love et al. (6,058,107).

Regarding claim 1, 8 and 9, Love teaches a method of transmitting over a wireless link, comprising: adjusting a transmit power of a wireless transmitter in relation (BTS) in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over the wireless link (performing normal forward power control when first counter + second counter > first threshold, steps 227-235). See Fig. 1—3.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Flammer (5,465,398)**.

Regarding claims 3 and 4 Flammer shows the transmitting of packets between a source node and a target node as illustrated in Fig. 1, with the provision of acknowledgments between the source node and the target node (see Fig. 5) but fails to explicitly teach determining an initial transmit power for the wireless transmitter based on a measurement on a signal received over the wireless link and providing a base station transmitting acknowledgments of radio packets transmitted by the wireless transmitter over the wireless link.

However, the concept of determining an initial transmit power based on a measured received signal in wireless communication systems having base stations is very well known in the art and as such examiner takes Official notice that it would have been obvious to one of ordinary skill in the art to provide the initial transmit power determination based on a signal received over a wireless link in a communication system having a base station for acknowledging reception of signals or data or packets transmitted by a transmitter for the benefit of carrying out desired wireless communications.

***Allowable Subject Matter***

6. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Varma et al. (6,643,322) discloses a dynamic link adaptation method for wireless communication.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-5 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306-0377.

CA  
December 01 2003

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**